

House File 413 - Introduced

HOUSE FILE 413

BY NUNN

A BILL FOR

1 An Act relating to the issuance of a no-contact order by
2 allowing for the supervision of a defendant by an electronic
3 tracking and monitoring system.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 236.12, Code 2017, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 3A. Upon the arrest of the person whom the
4 peace officer believes to be the primary physical aggressor
5 under subsection 3, the peace officer shall inform the court,
6 in writing, whether escalating intimidating behaviors were
7 directed toward the victim and were witnessed by the peace
8 officer or by other witnesses.

9 Sec. 2. Section 664A.7, subsection 1, Code 2017, is amended
10 to read as follows:

11 1. Violation of a no-contact order issued under this
12 chapter or a protective order issued pursuant to [chapter 232](#),
13 [235F](#), [236](#), or [598](#), including a modified no-contact order, is
14 punishable by summary contempt proceedings. Tampering with or
15 removal of an electronic tracking or monitoring system shall
16 be considered a violation of a no-contact order issued under
17 this chapter.

18 Sec. 3. Section 811.2, Code 2017, is amended by adding the
19 following new subsection:

20 NEW SUBSECTION. 2A. *Electronic tracking and monitoring*
21 *system.* In determining the conditions of release after a
22 temporary no-contact has been issued pursuant section 664A.3,
23 the court may require that the defendant be supervised by an
24 electronic tracking and monitoring system in addition to any
25 other conditions of supervision if the court finds escalating
26 intimidating behaviors have been directed toward the victim
27 prior to, during, or after the arrest.

28 Sec. 4. IMPLEMENTATION OF ACT. Section 25B.2, subsection
29 3, shall not apply to this Act.

30 EXPLANATION

31 The inclusion of this explanation does not constitute agreement with
32 the explanation's substance by the members of the general assembly.

33 This bill relates to the issuance of a no-contact order by
34 allowing for the supervision of a defendant by an electronic
35 tracking and monitoring system.

1 The bill provides that upon the arrest of a person for
2 domestic abuse assault, the peace officer shall inform the
3 court, in writing, whether escalating intimidating behaviors
4 were directed toward the victim and were witnessed by the peace
5 officer or by other witnesses. In determining the conditions
6 of release after a temporary no-contact order has been issued
7 pursuant to Code section 664A.3, the bill provides that the
8 court may require that the defendant be supervised by an
9 electronic tracking and monitoring system in addition to any
10 other conditions of supervision if the court finds escalating
11 intimidating behaviors have been directed toward the victim
12 prior to, during, or after the arrest.

13 The bill provides that tampering with or removal of an
14 electronic tracking or monitoring system shall be considered a
15 violation of a no-contact order.

16 A violation of a no-contact order entered for the offense
17 or alleged offense of domestic abuse assault is punishable
18 under Code section 664A.7(5) as a simple misdemeanor, or
19 alternatively, the court may hold a person in contempt of court
20 for such a violation, which is punishable by a minimum term of
21 confinement of at least seven days.

22 The bill may include a state mandate as defined in Code
23 section 25B.3. The bill makes inapplicable Code section 25B.2,
24 subsection 3, which would relieve a political subdivision from
25 complying with a state mandate if funding for the cost of
26 the state mandate is not provided or specified. Therefore,
27 political subdivisions are required to comply with any state
28 mandate included in the bill.